

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:94cr25

Plaintiff, : JUDGE WALTER H. RICE

vs. :

PHILLIP A. GARRISON (A598097), :

Defendant. :

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION FOR
COMPASSIONATE RELEASE (DOC. #27), BUT SUSTAINING SAID
MOTION CONSTRUED AS MOTION TO REMOVE FEDERAL DETAINER;
REASONING SET FORTH; WARRANT ISSUED SEPTEMBER 16, 2009
(DOC. #25), WITHDRAWN AND DETAINER AGAINST DEFENDANT
ORDERED REMOVED; REQUEST OF UNITED STATES MARSHALS
SERVICE; DIRECTIVE TO DEFENDANT

Defendant has filed a Motion for Compassionate Release (Doc. #27). Said motion is
OVERRULED. However, the aforementioned motion, construed as one for removal of federal
detainer, is SUSTAINED. The Court's reasoning is set forth below.

Defendant is on Supervised Release with this Court, a status that began December 21,
2007. Under date of September 16, 2009, a Petition was filed directing Defendant to show cause
why that status should not be revoked (Doc. #24). The sole allegation in the Petition was that
Defendant had been convicted of numerous state offenses for which he had been sentenced and
was already serving said sentence in state prison. Rather than bringing Defendant back to this
federal court to proceed on the above-referenced Petition, the Court opted to file an Arrest
Warrant as a detainer with the Ohio Department of Rehabilitation and Corrections ("ODRC").
That Warrant has served as a detainer against Defendant since its issuance on September 16,
2009 (Doc. #25). Given that Defendant is due to be released from state custody on January 28,

2022, upon the expiration of his sentence, this Court wishes to withdraw the aforesaid Warrant, thus removing the detainer against Defendant presently lodged against him and, accordingly, making him available for whatever privileges he might have, pursuant to Ohio Department of Rehabilitation and Correction's rules and regulations during his last six months of confinement. In short, the federal detainer, having been removed, should no longer act as a bar toward the Defendant receiving any halfway house time that the ODRC feels to be warranted in Defendant's case.

It is the request of this Court that the United States Marshals Service verify, with Defendant's present place of confinement, that said Warrant has been canceled and the detainer removed.

Once this Defendant is released, either to the community upon the expiration of his sentence, or, to a halfway house designated by the ODRC, he is to contact, within twenty-four hours' time, by email or telephonically, Ms. Melissa Dues, Supervisory United States Probation Officer, 200 W. Second Street, Room 702, Dayton, Ohio 45402, 937-512-1450. Ms. Dues will see to it that Mr. Garrison is assigned a Probation Officer who will then contact Mr. Garrison and set up a procedure by which Defendant and his newly designated Probation Officer can meet, either in person or telephonically.

July 8, 2021


WALTER H. RICE
UNITED STATES DISTRICT JUDGE

(tp - per Judge Rice authorization after his review)

Copies to:
Counsel of record
Melissa Dues, U.S. Probation Officer
U.S. Marshal
Records Section, Lake Erie Correctional Institution, 501 Thompson Road Conneaut, OH 44030